

UNITED STATES DISTRICT COURT

for the
Middle District of Pennsylvania

In the Matter of the Search of

*(Briefly describe the property to be searched
or identify the person by name and address)*information associated with Facebook Account Gregory
Mitzel (Greg Mitzel) (facebook.com/greg.mitzel.7), that is
stored at premises controlled by Meta Platforms, Inc.

Case No. 1:24-mc-00698

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under
penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the
property to be searched and give its location)*:

See Attachment A.

located in the Northern District of California, there is now concealed *(identify the
person or describe the property to be seized)*:

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

*Code Section**Offense Description*

18 U.S.C. § 875(c)

Interstate Threats

The application is based on these facts:
I, Alex Eguino, a Special Agent with the Federal Bureau of Investigation, being duly sworn, depose and state as
follows:

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days *(give exact ending date if more than 30 days)* is requested under
18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's Signature

Alex Eguino, FBI Special Agent

*Printed name and title*Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
TELEPHONE *(specify reliable electronic means)*.Date: AUGUST 27, 2024*Judge's Signature*City and state: Harrisburg, Pennsylvania

Daryl F. Bloom, Chief U.S. Magistrate Judge

Printed name and title

**CONTINUATION PAGES IN SUPPORT OF
APPLICATION FOR A SEARCH WARRANT**

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., 1 Meta Way, Menlo Park, California 94025. The information to be searched is described in the following paragraphs and in **Attachment A**. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), to require Meta to disclose to the United States records and other information in its possession, pertaining to the subscriber or customer associated with the account.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since May 12, 2019. I am currently assigned to the Philadelphia Division Capital Area Resident Agency (CARA) and have been trained in various aspects of law enforcement. During my employment with the FBI, I have been involved in numerous federal investigations to include counterterrorism matters, the illegal distribution of narcotics, the transportation of stolen property, financial

crimes, firearm violations, and violations concerning illegal explosive devices. In the course of those investigations, I have conducted surveillance, monitored court-authorized wiretaps, and secured other relevant information using various investigative techniques, including the execution of numerous search warrants for data from or pertaining to cellular phones and cellular phone accounts. Additionally, I have experience in the apprehension and prosecution of individuals involved in federal criminal offenses, the use of cellular devices to commit those offenses and the available technology that can be used by law enforcement to assist in identifying the users of cellular devices and their location. As a federal agent, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer I am authorized to execute warrants issued under the authority of the United States.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement and witnesses. The facts are intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 875(c) have been committed by **GREGORY MITZEL**.

5. There is also probable cause to search the information described in Attachment A for evidence of these crimes and fruits of those crimes, as described in **Attachment B**.

PROBABLE CAUSE

6. On or about July 16, 2024, at approximately 12:53am., the FBI National Threat Operations Center received an anonymous tip about threatening statements made on Facebook via Facebook account greg.mitzel.7, which, based on open-source research, related back to MITZEL, in York County, Pennsylvania.

7. The threatening statements posted on Facebook consisted of the following:

- “Joe you are going down you and Hillary are going down. You will be in a crosshairs. Thank you.”
- “Joe Biden must die at all cause he hast to be killed. He is the Democratic patriotic piece of shit that we all hate let’s killing.”

- “Come on Democrats come get me 415 E Market St., York PA come on and come get it. I’m ready to shoot the fuck world up.”
- “Hey Hillary, you missed the next one’s coming for you and Joe.”

8. On or about July 19, 2024, Agents from the United States Secret Service and I attempted to interview MITZEL at his residence, 415 E. Market St. York, Pennsylvania 17403.

9. When we arrived, MITZEL’S wife, Helena, told us that MITZEL was not there and described MITZEL as a “drunk.”

10. Helena further said that she and her family were not “friends” with MITZEL on Facebook because of posts he would make, and that MITZEL had deleted his Facebook account following the aforementioned threatening posts, which had resulted in contact from the York County Police Department upon receipt of a complaint from a person in Florida.

11. Moreover, with respect to the threatening Facebook posts, Helena said that MITZEL had consumed alcohol the night they were made.

12. While talking with Helena, MITZEL stepped out of the residence and onto the porch.

13. MITZEL made derogatory statements to us and, when asked if he was under the influence, which he appeared to be, MITZEL said “fuck you.”

14. Regarding the threatening Facebook posts, MITZEL said he had a right to post what he wanted, stating it was his First Amendment right. He proceeded to tell us that if we did not have a warrant to “get the fuck off [his] property.”

15. Information from Facebook, pursuant to other legal process, revealed that the account related back to “Greg Mitzel,” with telephone number (717) 825-1980 and e-mail address gmitzel65@gmail.com. Also, the information from Facebook showed that the last login attempt was on or about July 18, 2024.

16. Law enforcement database checks further revealed that MITZEL purchased four firearms between 2006 and 2011.

17. On or about July 16, 2024, Agents from FBI Philadelphia submitted a preservation notice to Facebook.

FACEBOOK BACKGROUND

18. Meta owns and operates Facebook, a free-access social-networking website that can be accessed at <http://www.facebook.com>. Facebook users can use their accounts to share communications, news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.

19. Meta asks Facebook users to provide basic contact and personal identifying information either during the registration process or thereafter. This information may include the user's full name, birth date, gender, e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Each Facebook user is assigned a user identification number and can choose a username.

20. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become

“Friends” for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user’s account includes a list of that user’s “Friends” and a “News Feed,” which highlights information about the user’s “Friends,” such as profile changes, upcoming events, and birthdays.

21. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

22. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available

elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

23. Facebook users can upload photos and videos to be posted on their Wall, included in chats, or for other purposes. Users can “tag” other users in a photo or video, and can be tagged by others. When a user is tagged in a photo or video, he or she generally receives a notification of the tag and a link to see the photo or video.

24. Facebook users can use Facebook Messenger to communicate with other users via text, voice, video. Meta retains instant messages and certain other shared Messenger content unless deleted by the user, and also retains transactional records related to voice and video chats. Facebook users can also post comments on the Facebook profiles of other

users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

25. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

26. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

27. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

28. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

29. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

30. In addition to the applications described above, Meta provides users with access to thousands of other applications on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.

31. Meta also retains records of which IP addresses were used by an account to log into or out of Facebook, as well as IP address used to take certain actions on the platform. For example, when a user uploads a photo, the user's IP address is retained by Meta along with a timestamp.

32. Meta retains location information associated with Facebook users under some circumstances, such as if a user enables "Location History," "checks-in" to an event, or tags a post with a location.

33. Social networking providers like Meta typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service

utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Meta about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Meta typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

34. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion.

35. In my training and experience, a Facebook user's IP log, stored electronic communications, and other data retained by Meta, can indicate who has used or controlled the Facebook account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile

contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Meta logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, location information retained by Meta may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of

guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

36. Therefore, the servers of Meta are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

37. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A), by using the warrant to require Meta to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

38. Based on the foregoing, I request that the Court issue the proposed search warrant.

39. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The United States will execute this warrant by serving it on Meta. Because the warrant will be served on Meta, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

40. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with Facebook account, Gregory Mitzel (Greg Mitzel) (facebook.com/greg.mitzel.7), that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., 1 Meta Way, Menlo Park, California 94025.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Meta Platforms, Inc. (“Meta”)

To the extent that the information described in Attachment A is within the possession, custody, or control of Meta, regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Meta, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Meta is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information for Gregory Mitzel (Greg Mitzel) (facebook.com/greg.mitzel.7), including full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.

- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities from **September 1, 2023 to present**;
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them from **September 1, 2023 to present**, including Exchangeable Image File ("EXIF") data and any other metadata associated with those photos and videos;
- (d) All profile information; status updates; videos, photographs, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; comments; gifts; tags; and information about the user's access and use of Facebook applications;

- (e) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, advertising ID, and user agent string;
- (f) All other records and contents of communications and messages made or received by the user from **September 1, 2023 to present**, including all Messenger activity, private messages, chat history, video and voice calling history, and pending “Friend” requests;
- (g) All “check ins” and other location information;
- (h) All IP logs, including all records of the IP addresses that logged into the account;
- (i) All records of the account’s usage of the “Like” feature, including all Facebook posts and all non-Facebook webpages and content that the user has “liked”;
- (j) All information about the Facebook pages that the account is or was a “fan” of;
- (k) All past and present lists of friends created by the account;

- (l) All records of Facebook searches performed by the account from **September 1, 2023 to present**;
- (m) All information about the user's access and use of Facebook Marketplace;
- (n) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (o) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities;
- (p) Records of any Facebook accounts that are linked to the account by machine cookies (meaning all Facebook user IDs that logged into Facebook by the same machine as the account); and,
- (q) All records pertaining to communications between Meta and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

Meta is hereby ordered to disclose the above information to the government within **14 days** of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. § 875(c), involving **GREGORY MITZEL** from **September 1, 2023 to present**, including, for the user ID identified on Attachment A, information pertaining to the following matters:

- (a) Evidence indicating threats, plans, or instructions related to acts of violence directed towards individuals or groups;
- (b) Evidence related to the possession or use of firearms, explosive devices, or other deadly weapons;
- (c) Evidence indicating how and when the Facebook account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner;
- (d) Evidence related to individuals the subject is associated with or any groups that express similar ideologies;
- (e) Evidence indicating the Facebook account owner's state of mind as it relates to the crime under investigation; and,

- (f) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

This warrant authorizes a review of electronically stored information, communications, other records, and information disclosed pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the disclosed electronic data to the custody and control of attorneys for the government and their support staff for their independent review.